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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,873	08/21/2001	Akihiko Sugukawa	213133US2SRD	6798
22850 7590 06/29/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER ANWAH, OLISA	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 06/29/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No.		Applicant(s)	
	09/932,873		SUGUKAWA ET AL.	
	Examiner		Art Unit	
	Olisa Anwah		2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-23,25-32 and 35-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24,33,34 and 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 24 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Bjorndahl, WIPO International Publication Number: WO 99/41876 (hereinafter Bjorndahl).

Regarding claim 24, Bjorndahl discloses an information exchange apparatus (see unit 21 from Figure 2) configured to establish a Bluetooth connection with a handheld communication terminal (see unit 20 from Figure 2) and to exchange information with the handheld communication terminal, comprising:

an acquisition device (see unit 22 from Figure 2) configured to acquire terminal identification information (see sensitive information from abstract) of the handheld communication terminal, which is transmitted from a wireless tag (see unit 23 from Figure 2), instead of executing a procedure of

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a Bluetooth (see Bluetooth from pages 10-12) terminal search phase to acquire the terminal identification information; and
a short distance wireless communication device (see unit 21A from Figure 2) configured to establish the Bluetooth connection with the handheld communication terminal whose terminal identification information is acquired by the acquisition device and to exchange information (see Subsequent communications from abstract) with the handheld communication terminal in accordance with a Bluetooth procedure following the procedure of the Bluetooth terminal search phase.

Regarding claim 33, Bjorndahl discloses an information exchange apparatus (see unit 21 from Figure 2) configured to establish a Bluetooth connection with a handheld communication terminal (see unit 20 from Figure 2) and to exchange information with the handheld communication terminal, comprising:

an acquisition device (see unit 22 from Figure 2) configured to acquire terminal identification information (see sensitive information from abstract) of the handheld communication terminal, which is transmitted from a wireless tag (see unit 23 from Figure 2), instead of executing a procedure of a Bluetooth (see Bluetooth from pages 10-12) terminal search phase to acquire the terminal identification information; and

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a short distance wireless communication device (see unit 21A from Figure 2) configured to establish the Bluetooth connection with the handheld communication terminal whose terminal identification information is acquired by the acquisition device and to exchange information (see Subsequent communications from abstract) with the handheld communication terminal in accordance with a Bluetooth procedure following the procedure of the Bluetooth terminal search phase.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 34 is rejected under 35 U.S.C § 103(a) as being unpatentable over Bjorndahl in view of Beach et al, European Patent Application No. 0,856,812 (hereinafter Beach).

As per claim 34, Bjorndahl does not teach that the terminal identification information acquired by the acquisition device is

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made correspondent to a purchase history of the user to obtain input data of the POS system. However, Beach discloses this feature (see column 11). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bjorndahl with the information of Beach. This modification would have improved the system's flexibility by utilizing a plethora of wirelessly interconnected devices as suggested by Bjorndahl (see Figure 4).

5. Claims 39 and 40 are rejected under 35 U.S.C § 103(a) as being unpatentable over Bjorndahl combined with Holtzman et al, U.S. Patent No. 6,499,272 (hereinafter Holtzman) in further view of Reddy, U.S. Patent No. 6,509,217 (hereinafter Reddy).

Regarding claim 39, nowhere does Bjorndahl disclose the wireless tag is an RFID tag. All the same, Holtzman shows this limitation (see column 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bjorndahl with the RFID tag of Holtzman. This modification would have improved the system's flexibility by utilizing various wirelessly readable signatures as suggested by Holtzman (see column 14).

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Further regarding claim 39, the combination of Bjorndahl and Holtzman fails to teach the RFID tag is a passive wireless tag that does not require a battery. Regardless, Reddy shows this feature (see column 1). Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Bjorndahl and Holtzman with the RFID tag of Reddy. This modification would have improved the system's convenience by using small transceivers as suggested by Reddy (see column 1).

Regarding claim 40, nowhere does Bjorndahl disclose the wireless tag is an RFID tag. All the same, Holtzman shows this limitation (see column 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bjorndahl with the RFID tag of Holtzman. This modification would have improved the system's flexibility by utilizing various wirelessly readable signatures as suggested by Holtzman (see column 14).

Further regarding claim 40, the combination of Bjorndahl and Holtzman fails to teach the RFID tag is a write once/read many wireless tag. Regardless, Reddy shows this feature (see column 1). Hence, it would have been obvious to one of ordinary

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skill in the art at the time the invention was made to further modify the combination of Bjorndahl and Holtzman with the RFID tag of Reddy. This modification would have improved the system's convenience by using small transceivers as suggested by Reddy (see column 1).

6. Claim 41 are rejected under 35 U.S.C § 103(a) as being unpatentable over Bjorndahl combined with Holtzman et al, U.S. Patent No. 6,499,272 (hereinafter Holtzman) in further view of Steeves, U.S. Patent Application Publication No. 2006/0066444 (hereinafter Steeves).

Regarding claim 41, nowhere does Bjorndahl disclose the wireless tag is an RFID tag. All the same, Holtzman shows this limitation (see column 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bjorndahl with the RFID tag of Holtzman. This modification would have improved the system's flexibility by utilizing various wirelessly readable signatures as suggested by Holtzman (see column 14).

Still on the issue of claim 41, the combination of Bjorndahl and Holtzman does not teach the RFID tag is a wireless tag that employs LF-MF bandwidth. Nonetheless, Steeves teaches

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this limitation (see paragraph 0026). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Bjorndahl and Holtzman with the RFID tag of Steeves. This modification would have improved the system's flexibility by utilizing multiple frequencies as suggested by Steeves (see paragraph 0026).

Response to Arguments

7. Applicant argues that Bjorndahl does not disclose a device that can establish a Bluetooth connection with a handheld communication terminal and to exchange information with the handheld communication terminal. In response to these allegations, the Examiner humbly submits that Bjorndahl teaches of a number of various devices capable of using the Bluetooth (see page 10).

Application also contends that Bjorndahl does not disclose a wireless tag. Because unit 23 of Bjorndahl is wireless (see Figure 2) and because unit 23 of Bjorndahl is a tag (see Figure 2), Bjorndahl covers the claimed wireless tag as recited in claims 24 and 33.

Conclusion

8. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the


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organization where this application or proceeding is assigned
are 571-273-8300 for regular communications and 571-273-8300 for
After Final communications.

Any inquiry of a general nature or relating to the status
of this application or proceeding should be directed to the
receptionist whose telephone number is 571-272-2600.

OA

Olisa Anwah
Patent Examiner
June 13, 2007


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600